

Commissioner(s), and Ladies and Gentlemen:

My name is Chris Telesca, and I am a member of the Public - the Citizens of the United States of America. I thank you for this opportunity to submit my comments for the Public Record, because as Thomas Jefferson wrote: "All tyranny needs to gain a foothold is for people of good conscience to remain silent."

Jefferson also wrote: "Where the press is free and every man able to read, all is safe." I think he meant that it was important that there be freedom of expression and that people were able to have access to it.

Granted he wrote that almost 200 years ago, and he had no inkling of what we today mean by a free press, which not only consists of printed works, but also broadcast radio & TV, cable and satellite, as well as the Internet. Access to free expression is as important as the expression itself. Would Jefferson feel we are being made safer by the proposal to ease media ownership restrictions? I think not.

That is why I am commenting on the proposed changes in FCC to ease restrictions on the nation's media ownership rules. I urge the FCC to not ease restrictions on ownership of the nation's TV, radio and newspaper media.

When I was in school, I was taught in my Civics class that the airwaves of the broadcast spectrum are a public resource, and that the FCC is mandated by federal law to grant broadcasting licenses in such a way that the airwaves are used in the "public convenience, interest or necessity." At least that is what I was taught in schools, and that was the way it seemed to be for a long time.

I think that the proposed changes are a bad idea for several reasons - local people will lose jobs in the communities they work in now; the changes will shift ownership, content control and responsibility away from local people or businesses to executives of media conglomerates beholden to stockholders; programming which does not serve the public interest nor offer diverse points of view but in fact only offers the viewpoint of corporate; it does not serve the public but instead only further erodes the free press and the free exchange of ideas by further concentrating the media in the hands of fewer and fewer people; and it seems that this is more about property rights and money than about the public interest. Moving the means of communicating ideas from the hands of many to the hands of a few means is not American. Aren't we over in Iraq fighting a war of liberation so that, among other proffered reasons, that Iraqi oil and other resources will become the property of the Iraqi people collectively and not just the property of a dictatorial regime?

The changes will cause a major shift in the ownership and the content of TV stations around the country from local or regional ownership and content. If these ownership restrictions are eased, what has already happened so far with radio will only get worse with radio, and expand over into television and newspapers. Who will you call and complain to when you see something objectionable on TV, or something that you like and want to see again?

Let's look beyond music to news and other programming - as Deep Throat said in the movie All the President's Men - "follow the money!"

After the Telecommunications Act of 1996 was passed, radio stations came into play just like many other businesses that employed people and gave something back to the communities they operated in. Big Money went after these stations, paying much more than the stations were worth under less predatory circumstances. To justify paying all that money for those stations, in the name of "efficiency" and "cost-effectiveness", local people lost their jobs in radio music programming departments. I know some of those people - they used to take great joy in the local music scene and in doing programming for their actual listeners in the audience. Thanks to the "Act", most music radio stations are part of the conglomerates that already program their playlists in a central location, denying most people of the opportunity to hear local music. If it isn't something that some big company like Sony Music sends to Clear Channel Communications, you won't hear it on the radio.

An indirect result of the 1996 Act is that fewer radio people go out to see new bands or acts play and then talk about them on the radio - why bother since they didn't have the juice with corporate to get on the air. The local music scene suffered and will continue to do so. Remember when the most frequently offered promotions on a radio station were free tickets to a local concert? Not anymore - they have to offer something big like Superbowl tickets, or a chance to win a Harley-Davidson motorcycle or a shot at \$100,000 to get people to listen for a chance to call in. I never remembered radio morning people having to entice people to have sex in public places like St. Patrick's Cathedral in NYC to win prizes. Ticket prices for those major acts promoted by big music companies skyrocketed.

Local radio newspeople used to report on the news and sports that were relevant to people living in the community. That no longer happens. We end up with stories that come off the wire services or from a corporate PR handout, and nothing that happens in our community or little if any accuracy since there is no one local to check on it. I know there is less accuracy in news stories today, as I have had dealings with the Press on several issues and they usually get it wrong, either because they can't afford the time to do real research. There will be less "investigative journalism" than there is now because the company that owns the TV station will not want to offend the company that owns a local electrical transformer business that dumps PCBs along the side of dirt roads. They might get sued, or even worse - the company that owns the TV station might also own the polluting business or have a financial stake in it.

Once upon a time, radio and television broadcasters had an obligation to operate in the public interest - and that did not mean having to make a profit. Can you imagine if someone like Edward R. Murrow were alive today and tried to make "Harvest of Shame", or tried to do an expose of McCarthyism? All we would have to watch is Bill O'Reilly's one-sided "No Spin Zone" or listen to Rush Limbaugh rustle up what he claims to be a fax sent to him by someone while he rants against feminazis or invokes the demonic "L" word -

"LIB-A-RUHLS" !

The death of the Fairness Doctrine during the Reagan administration and the Telecommunications Act of 1996 have already had the effect of decreasing diversity of political opinion, news and musical entertainment on radio and TV. I quote Edward Monks commentary on the Fairness Doctrine in the June 30, 2002 Eugene OR Register-Guard:

The Fairness Doctrine was a 1949 FCC Rule that required all broadcasters to devote a reasonable amount of time to the discussion of controversial matters of public interest. It further required broadcasters to air contrasting points of view regarding those matters. The Fairness Doctrine arose from the idea imbedded in the First Amendment that the wide dissemination of information from diverse and even antagonistic sources is essential to the public welfare and to a healthy democracy.

The U.S. Supreme Court in 1969 unanimously upheld the constitutionality of the Fairness Doctrine, expressing the view that the airwaves were a "public trust" and that "fairness" required that the public trust accurately reflect opposing views. In 1987, after Ronald Reagan had appointed a majority of the FCC Commissioners, the FCC repealed the Fairness Doctrine. Congress tried to codify the Fairness Doctrine into public law, but the bill was vetoed by Reagan - a man ironically called "the Great Communicator" - who said the Fairness Doctrine was "inconsistent with the tradition of independent journalism.". Who told him that - Nancy's astrologer?

Talk radio shows how profoundly the FCC's repeal of the Fairness Doctrine has affected political discourse.

Then the Telecommunications Act of 1996 was passed by the Republican Congress in the "Contract on America" to curry favor with the money interests that largely support the GOP. Combining that with the death of the Fairness Doctrine, all semblance of "independent journalism" went out the window. With the conglomeration of radio stations, they almost all went away from local news or locally-produced talk shows to syndicated talk.

In recent years almost all nationally syndicated political talk radio hosts on commercial stations have openly identified themselves as conservative, Republican, or both: Rush Limbaugh, Michael Medved, Michael Reagan, Bob Grant, Ken Hamblin, Pat Buchanan, Oliver North, Robert Dornan, Gordon Liddy, Sean Hannity, Michael Savage, et al. The spectrum of opinion on national political commercial talk radio shows ranges from extreme right wing to very extreme right wing - there is virtually nothing else. On the few really local stations left, an occasional non-syndicated moderate or liberal may sneak through the cracks, but there are relatively few such exceptions.

I can remember a time when Bart Rittner and then Donna Mason had a daily call-in talk show on WPTF where anything was fair game except "race or religion". I used to call in on a regular basis. Now almost all you have on radio in Raleigh are the syndicated fascists one conservative broadcaster Jerry Agar, and Agar is a Canadian! Even NC Spin is populated by people from NC Citizens for Business and Industry, the John Locke Foundation, and other lobbyists -

almost all of whom march in lock-step (or is it Locke-step) with the Republican party on issues such as school vouchers or privatizing government services. There is or was only one token progressive - Chris Fitzsimmons from the Common Sense Foundation. About the only place to see or hear a less than conservative news/current affairs talk show is Monkeytime on Public access TV in Raleigh. But you only get that with Time-Warner in Raleigh, and only one hour of production time a week! How can two or three hours of Todd Mormon and Chris Fitzsimmons compare with a full work week of Limbaugh, O'Reilly, Hannity, Liddy, and the rest?

There are FCC Commissioners who say that because of today's multi channel digital universe of cable and the Internet, that today's rules are antiquated barriers to competition that no longer serve the public interest. Take a look at cable TV - you see the same names of those conservative and/or Republican talk show hosts again and again. If you get rid of those "antiquated barriers to competition", do you really think that you will get anything other than more Rush and those other conservatives on our formerly local TV stations?

Take a look at how responsive media conglomerate MSNBC is. They brought Phil Donahue out of retirement to compete with Fox - they said - to promote fairness in the media and try and promote views other than those advocated by the Right. I watched that show every night at 8 or 11, sometimes both times because it was the only place I could go for something that didn't make me want to put my foot through the TV, a feeling I get whenever I see most conservative TV talking heads. The weekend after they got rid of Phil, they trotted-out "Savage Nation" featuring a pointer-totting Michael Savage - who looks like he used live out in the woods between the Unibomber and the Michigan Militia.

Can someone please tell me how nothing but centralized music play lists and syndicated right-wing talk show hosts serve the public interest?

Political opinions expressed on talk radio are approaching the level of uniformity that would normally be achieved only in a totalitarian society. There is nothing fair, balanced or democratic about it. Yet the almost complete right wing Republican domination of political talk radio in this country has been accomplished without guns or gulags. How did this happen? When did broadcasters stop being "community trustees" and become "market participants"?

As late as 1974, the FCC was still reporting that "we regard strict adherence to the Fairness Doctrine as the single most important requirement of operation in the public interest - the sine qua non for grant for renewal of license." That view had been ratified by the U.S. Supreme Court in 1969. Through 1980, the FCC, the majority in Congress and the U. S. Supreme Court all supported the Fairness Doctrine.

The position of the FCC dramatically changed when the Great Communicator rode into town and appointed Mark Fowler as FCC chairman in 1981. Fowler was a lawyer who had worked on Reagan's campaign, and who specialized in representing broadcasters. Before

his nomination, which was well received by the broadcast industry, Fowler had been a critic of the Fairness Doctrine. As FCC chairman, Fowler made clear his opinion that "the perception of broadcasters as community trustees should be replaced by a view of broadcasters as marketplace participants.". He quickly put in motion a series of events leading to two court cases that eased the way for repeal of the Fairness Doctrine six years later.

Sen. Bob Packwood, R-Ore., who became chairman of the Commerce Committee when Republicans took control of the Senate in 1981, began holding hearings designed to produce "evidence" that the Fairness Doctrine did not function as intended.

Packwood also established the Freedom of Expression Foundation, described as a "foundation which would coordinate the repeal effort using non-public funds, and which could provide lobbyists, editorialists and other opinion leaders with needed arguments and evidence." Major contributors to the foundation included the major broadcast networks, as well as Philip Morris, Anheuser-Busch, AT&T and TimesMirror.

Packwood and the foundation argued that the Fairness Doctrine chilled or limited speech because broadcasters became reluctant to carry opinion-oriented broadcasts out of fear that many organizations or individuals would demand the opportunity to respond. The argument held that the Fairness Doctrine, in practice, decreased the diversity of opinion expressed on public airwaves. I think we have seen the fallacy of that argument.

In 1985, the FCC formally adopted the views advanced by Packwood and his foundation, issuing what was termed a "Fairness Report," which contained a "finding" that the Fairness Doctrine in actuality "inhibited" broadcasters and that it "disserves the interest of the public in obtaining access to diverse viewpoints." The FCC stated:

"We no longer believe that the Fairness Doctrine, as a matter of policy, serves the public interests. In making this determination, we do not question the interest of the listening and viewing public in obtaining access to diverse and antagonistic sources of information. Rather, we conclude that the Fairness Doctrine is no longer a necessary or appropriate means by which to effectuate this interest. We believe that the interest of the public in viewpoint diversity is fully served by the multiplicity of voices in the marketplace today and that the intrusion by government into the content of programming occasioned by the enforcement of the doctrine unnecessarily restricts the journalistic freedom of broadcasters. Furthermore, we find that the Fairness Doctrine, in operation actually inhibits the presentation of controversial issues of public importance to the detriment of the public and in degradation of the editorial prerogative of broadcast journalists."

In this statement, the FCC fails to acknowledge some basic facts: the airwaves, unlike print, or the Internet, have inherent limits on diversity and accessibility. In any one area, only a limited number of frequencies are available. Even if you had the resources to do so, setting up a competing broadcast station next to Rush, or Bill or Sean or the G-Man" on the AM radio dial, doing so without

acquiring a government license would result in prosecution.

Thus, if broadcasters have the right to refuse to air your views, it is quite possible for them to completely silence all opposing points of view. A situation which "liberal" radio listeners find all too familiar. One wonders if the proposed new liberal talk radio network will be able to find some air space in the Raleigh-Durham marketplace. Can you see a conglomerate media group giving them airtime on their stations, when the liberal syndicated show will advocate those things which are an anathema to Big Business?

Congress, and much of the rest of the country, remained unconvinced that the Fairness Doctrine did not serve the public interest.

A review of conservative literature discussing the Fairness Doctrine attributes the explosive growth of right-wing talk radio to the elimination of this regulation. Freed from the unpleasant obligation of having even the slightest obligation to provide a balanced point of view (the "inhibition" mentioned by Ronald Reagan's FCC above), corporate America has embraced the likes of Rush Limbaugh and Michael Savage with a vengeance. This is what conservatives would like to portray as "an upsurge in public affairs programming and discussion of controversial issues" on the radio.

According to Citizens for Independent Public Broadcasting (CIPB), "Research demonstrates that news and public affairs substantially declined after termination of the Fairness Doctrine, contrary to broadcaster promises. What did increase were right wing talk shows and religious right ministries, now free to editorialize against their favorite demons without fear of contradiction."

The consolidation of media ownership into fewer and fewer hands, the potential for conflicts of interests, and the virtual exclusion of significant opposing viewpoints are good reasons to campaign for reinstatement of the Fairness Doctrine.

Combining the repeal of the Fairness Doctrine, the enactment of the Telecommunications Act of 1996, and the easing of ownership restrictions, opposing and alternative viewpoints, even when willing and able to pay for the airtime, can and will be excluded from the airwaves.

Over 60% of the American public, when surveyed in 1993, supported restoration of the Fairness Doctrine and the concept of equal time for opposing views.

FCC regulators Shortly thereafter, in a 2-1 decision in 1986, the U.S. Court of Appeals for the District of Columbia upheld a new FCC rule refusing to apply the Fairness Doctrine to teletext (the language appearing at the bottom of a television screen). The two-judge majority decided that Congress had not made the Fairness Doctrine a binding statutory obligation despite statutory language supporting that inference. The two judges were well-known conservatives Antonin Scalia and Robert Bork, each thereafter nominated to the U.S. Supreme Court by President Reagan. Does anyone else see why who sits on the DC Appellate Court is very important?

These two conservative judicial activists issued a ruling ignoring statutory language that was beginning of the end for the Fairness Doctrine.

The next year, 1987, in the case *Meredith Corp. vs. FCC*, the FCC set itself up to lose in such a way as to make repeal of the Fairness Doctrine as easy as possible. The opinion of the District of Columbia Court of Appeals took note of the commission's intention to undercut the Fairness Doctrine:

"Here, however, the Commission itself has already largely undermined the legitimacy of its own rule. The FCC has issued a formal report that eviscerates the rationale for its regulations. The agency has deliberately cast grave legal doubt on the fairness doctrine. ..."

The court was essentially compelled to send the case back to the FCC for further proceedings, and the commission used that opportunity to repeal the Fairness Doctrine. Although there have been several congressional attempts to revive the doctrine, Reagan's veto and the stated opposition of his successor, George Herbert Walker Bush, were successful in preventing that.

It is difficult to underestimate the consequences of repeal of the Fairness Doctrine on the American political system. In 1994, when Republicans gained majorities in both chambers of Congress, Newt Gingrich, soon to become speaker of the House, described the voting as "the first talk radio election." The Telecommunications Act of 1996 made talk radio an even more important component of the election process.

Although no one has taken a survey or offered any other proof, it seems clear to me that if in communities throughout the United States Al Gore had been the beneficiary of thousands of hours of supportive talk show commentary and George W. Bush the victim of thousands of hours of relentless personal and policy attack, the vote would have been such that not even the U.S. Supreme Court could have made Bush president.

Broadcasters' choice to present conservative views is not purely about attracting the largest number of listeners. Broadcasters and their national advertisers tend to be wealthy corporations and entities, operated and owned by wealthy individuals. Virtually all national talk show hosts advocate a reduction or elimination of taxes affecting the wealthy. They vigorously argue for a reduction in income taxes, abolition of the estate tax and reduction or elimination of the capital gains tax - positions directly consistent with the financial interests of broadcasters and advertisers.

Imagine a popular liberal host who argued for a more steeply graduated income tax, an increase in the tax rate for the largest estates and an increase in the capital gains tax rate.

Broadcasters and advertisers have no interest in such a host, no matter how large the audience, because of the host's ability to influence the political climate in a way that broadcasters and advertisers ultimately find to be economically unfavorable.

Hence we wind up with a distortion of a true market system in which only conservatives compete for audience share. Whether the theory is that listeners listen to hear views they agree with, or views they disagree with, in a purely market driven arena, broadcasters would currently be scrambling to find liberal or progressive talk show hosts. They are not.

The beneficiaries of the talk show monopoly created by the repeal of the Fairness Doctrine and the Telecommunications Act of 1996 are not content. No reasonable person can claim that the repeal of the Fairness Doctrine has led to a wider diversity of views - to a "warming" of speech, as the FCC, the Freedom of Expression Foundation and others had predicted.

It should surprise no one that the acts of President Reagan, his FCC appointments, Sen. Packwood, Justice Scalia and failed Supreme Court nominee Bork and the first President Bush should combine to ultimately produce, thousands of hours to zero hours of yearly advantage for Republican propaganda over the Democratic, liberal, Green or other opposition. Nor should we overlook the Orwellian irony that the efforts of an organization calling itself the Freedom of Expression Foundation helped result in so limited a range of public expression of views.

Now we have current President George Bush claiming, through his FCC appointees, that the rules are antiquated barriers to competition that no longer serve the public interest. He also claims that too many regulations, not too few, led to the corporate financial funny business that led to the melt-down Enron, Tyco, Global Crossing, etc., and lost trillions of dollars of investments and thousands if not millions of jobs.

Let's go back to the example of Clear Channel. Look at how Clear Channel Communications is serving the public interest in a political dispute that deeply divides our nation. They come in only on one side of a issue in the news - reporting pro-war rallies and stories, playing only pro-war songs. They exclude any coverage of anti-war stories and anti-war songs. Now it comes to light that they have been organizing most of the pro-war demonstrations around the country. Clear Channel claims that these demonstrations reflect the initiative of individual stations. Are these the same stations that can also decide what songs they can play on their own?

Clear Channel's management has a history with President Bush. Vice Chairman Tom Hicks was chairman of the University of Texas Investment Management Co. - aka UTIMCO - during the time when Bush was Governor of Texas. UTIMCO placed much of the university's endowment under the management of companies with strong Republican party or Bush family ties. In 1998, Hicks purchased the Texas Rangers in a deal that made G. W. Bush a millionaire after the value of the Ranger franchise was increased by the construction of a publically-funded stadium complete with Texas-style skyboxes.

What is going on here? During the Clinton administration, the merest hint of a scandal with Whitewater resulted in an 80 million-dollar investigation that turned up no financial or legal improprieties, but resulted in Impeachment proceedings because of



Presidential splooge on a blue GAP dress. Yet the repeal of the Fairness Doctrine, combined with the Telecommunications Act of 1996 has concentrated the media into the hands of a few large corporations which have a vested interest in less not more diversity and a narrower range of content to influence public opinion. Easing the restrictions on ownership will do nothing more than increase the power and the wealth of the few people who now control the media conglomerates.

Can our current president acknowledge that the repeal of the Fairness Doctrine had the opposite effect of what was publicly predicted by his predecessors? Is he aware that a monopoly on public expression is inconsistent with a democratic tradition? Would he even think of reinstating the Fairness Doctrine. Hell no, they push even harder for deregulation and easing of ownership restrictions.

Why do the Bush administration and their FCC appointees support this easing of restrictions? As Jonathon Chait has written in the New Republic, in the Bush administration "government and business has melded into one big 'us'." On almost every aspect of domestic policy, business interests rule: "Scores of midlevel appointees...now oversee industries for which they once worked." Or will work after they leave their government jobs. Take Harvey Pitt for example - please! In my own experience with OSHA regulators at state and federal levels, they can't wait to find an opening in some lobbying or industry group that they can apply for, and show on their resume how they regulated on behalf of business, instead of being unbiased. Most regulators see the businesses they regulate as their "clients".

What is going on here? As Paul Krugman wrote in his New York Times column, "...a good guess is that we're seeing the next stage in the evolution of a new American oligarchy". I prefer to call it what it is - Fascism. Benito Mussolini said: "Fascism should more properly be called corporatism, since it is the merger of state and corporate power."

President Franklin Delano Roosevelt included the following remarks in a speech made (I believe) at his first innuaguration: "The first truth is that the liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself. That, in essence, is fascism - ownership of government by an individual, by a group, or by any other controlling power. Among us today a concentration of private power without equal in history is growing." FDR said this not long after an assassination attempt and not too long before a group of Americans of wealth and property planned to hire a Marine Corps General Smedley Butler - a three-time Medal of Honor winner - to lead up to 500,000 armed men in a coup against President Roosevelt in 1933 simply because he tried to halt the growth and concentration of private power.

Isn't that what is happening with ever increasing frequency and velocity under the current Bush Administration - the culmination of the Reagan Revolution - the culmination of private power through ownership or government by an individual, group or other controlling

power? Individuals trying to own what used to be considered a public trust held by broadcasters?

One can look at this and just say we will get used to less choice in our music, our talk and news radio programming, and now our television programming. Can our democratic republican form of government continue with so much of the public trust turned over by regulators to people and businesses in a fascist-corporatist alliance?

We cannot hope to remain a free country with so much control of a free press in this country is controlled by an shrinking number of groups all in the name of profit. This isn't making widgets here - this is about what we need to know to remain a free people. What do we need to do to keep our freedoms from being crushed by large corporations who turn our public trust into a profit center?

In 1816, Jefferson wrote: "I hope we shall... crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country."

We have a great gift here in our American form of government, including our constitutional right to free speech and expression. What good does that right do us if we let big corporations control more and more of the means to make communicate our expression to others? In 1776 Benjamin Franklin proposed the great seal of the United States, a portrait of Moses lifting his rod and the Egyptians pursuing the chariots as they were drowning in the sea. The seal's motto was "Rebellion against tyranny is obedience to God".

Although this did not become our nation's motto, this quote best sums up the beliefs of our founding fathers as they came to their solemn decision to craft and sign the Declaration of Independence. This rebellion against their oppressors was a most high form of honor to God, even to those Founding Fathers who were Deists. They fought through almost unimaginable conditions and against seemingly impossible odds, making what we are doing here pale in comparison. But make no mistake about it - our rights as Americans are being threatened by the continued concentration of the media in the hands of a few conglomerates.

"If we agree fairness is a goal, then we have to agree the industry will be fairer with a doctrine than without." --Larry King, host of CNN's Larry King Live in an article written for the Federal Communications Law Journal.

In an article from Media Beat, November 3, 1994, about Hate Radio talk show host Bob Grant (whose racist rantings finally resulted in his show being driven off the air after African-American churches launched a boycott of his advertisers), FAIR (Fairness and Accuracy in Reporting) says:

"The best answer to hate speech is not suppression, but more speech. And the best answer to hate radio is diverse programs offering opposing views. Unfortunately, since the FCC abolished the Fairness Doctrine seven years ago, many station managers don't feel the need to offer even the semblance of balancing perspectives."

It's clear from the ENRON debacle and from experience with the repeal of the Fairness Doctrine and the Telecommunications Act of 1996 that we as Americans are better off with some regulations on business and the media, and that deregulation and rules that make it easier for business to concentrate media power do more harm than good as far as diversity is concerned. I hope that my comments and statements made today will help the FCC to realize that easing ownership will not increase diversity, but will further erode it. And that the communications media they regulate are not just profit centers for the Big Corporations, but are a great public trust.

And I also hope that Commissioner Powell will remember that there was a time in this country when African American men and women were regarded as property of other men and women. What would have happened in America, and where would Commissioner Powell or other members of his family be today if property rights had won out in the end over the greater good? There is a greater good to be served here too with ownership restrictions, therefore please do not ease them.